

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 6986 OF 2007

M/s.Amit Enterprises ...Petitioners  
Versus  
Tejkumar and Co. ....Respondents

G.S.Godbole, adv. for the petitioners.  
S.N.Chandrachud, adv. for respondent no.1.

**CORAM: S.C.DHARMADHIKARI, J.**  
**14th December, 2007.**

**P.C. :**

1. Exhibit-33 in Special C.S.No. 2030 of 1998 is an application for Review of the order dated 9.11.2006 passed below Exhibit-20.

2. It is not necessary to go into rival contentions in detail, so also, the controversy involved in the subject application, inasmuch as, the matter was argued for sometime, it has been brought to

my notice that the Application Exhibit-20 was decided on 9.11.2006 by the Ld.4th Civil Judge Senior Division, Pune, Shri. Dhawale. However, when the application for Review (Exhibit 33) was instituted, the same came to be placed before Shri N.R.Kshirsagar, the Learned Judge who was presiding over the court, which was earlier presided over by Shri.Dhawale. Further, it is brought to my notice that the Leaned Judge Shri.Dhawale is very much available and being posted as Judicial Officer in Pune itself. Although, he may be presiding over another court and sitting in some other court room, other than the one where he passed the earlier order, in my view, the Review Application ought to have been heard by him. In the peculiar facts of this case, and when the Learned Presiding officer is available in Pune, interest of justice would be subserved if the order dated 9.8.2007 is quashed and set aside and Application, Exhbit-33, is restored to the file of the court and the same shall be placed before Hon'ble Shri Dhawale, who is presiding in the court at Pune. The said Judge is directed to hear the parties on the Review Application (Exhibit-33) and pass orders afresh without being influenced by any observations in the

order dated 9.8.2007. He shall endeavour and dispose off the Review Application (Exhibit-33) on/or before 10.1.2008. Both sides to co-operate in the early disposal of the Review Application and not seek unnecessary adjournments. Petition disposed off. No costs.

3. Additional affidavit of the petitioner is taken on record.

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